

REMARKS

Applicant has carefully studied the Office Action of December 18, 2003 and offers the following remarks thereto. Applicant appreciates the telephonic interview of February 26, 2004. Where appropriate, comments from the interview are included in the remarks that follow.

Claims 1-3, 9, 10, and 19 were rejected under 35 U.S.C. § 103 as being unpatentable over Robinson et al. (hereinafter "Robinson") in view of Rogers et al. (hereinafter "Rogers").

Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where in the combination of references each and every claim element is located. MPEP § 2143.03.

Claim 1 recites that the terminal proxy server sends synchronized signals to the client terminal and the client terminal controller. The Patent Office opines that the client terminal is Robinson's phone 12, the client terminal controller is Robinson's personal computer 14, and that the terminal proxy server is Robinson's call processor system 38. The Patent Office asserts, without support, that the call processor system 38 sends the recited synchronized signals. Applicant respectfully traverses this assertion. Applicant has read Robinson and finds no teaching or suggestion that there is a synchronized signal sent to both the phone 12 and the computer 14 from the call processor system 38. The lack of such a synchronized signal can be found in Figure 1, where it is clear that the call processor system 38 is not connected to, and does not communicate with, the phone 12. Likewise, passages such as Robinson, col. 4, lines 52-55 indicate that the programmed PC 14 and the call processor system 38 communicate directly, but make no mention of communication from the call processor system 38 to the phone 12. To this extent, the reference does not show the recited claim element for which it is cited. Nothing in Rogers cures this deficiency.

During the telephonic interview, the Examiner opined that the terminal proxy server could be considered the combination of call processor system 38 and PBX 26. However, during the course of the interview, Applicant read the reference and finds no teaching or suggestion that call processor system 38 and PBX 26 coordinate signals to phone 12 and PC 14 such that the recited synchronized signals are disclosed. During the telephonic interview, the Examiner indicated he would need to review the reference more closely to confirm this, but that he would not stretch the reference to show the synchronized signals. The Examiner did indicate that if Robinson did not show the synchronized signals, then perhaps another reference might show this

feature. While Applicant respectfully maintains that since this element has been present since filing, no new search should be required, in the interests of having a strong patent, Applicant welcomes an additional search and will address any new references at such time as they are cited by the Patent Office.

Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element. Since the combination does not teach or suggest the claim element, the Patent Office has not established *prima facie* obviousness for the claim, and Applicant requests withdrawal of the § 103 rejection of claim 1 at this time.

Claims 2, 3, 9, and 10 depend from claim 1 and are allowable for at least the same reasons. Applicant similarly requests withdrawal of the § 103 rejection thereof at this time.

Claim 19 is canceled thereby mooted the rejection thereof.

Claim 6 was rejected under 35 U.S.C. § 103 as being unpatentable over Robinson in view of Rogers in view of Gallant et al. (hereinafter "Gallant"). Applicant respectfully traverses. The standard for obviousness is set forth above.

As explained above, Robinson combined with Rogers does not show the synchronized signal of dependent claim 6. Nothing in Gallant cures this deficiency. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element, and the Patent Office has not established *prima facie* obviousness.

Claim 7 was rejected under 35 U.S.C. § 103 as being unpatentable over Robinson in view of Rogers in view of Tidwell et al. (hereinafter "Tidwell"). Applicant respectfully traverses. The standard for obviousness is set forth above.

As explained above, Robinson combined with Rogers does not show the synchronized signal of dependent claim 7. Nothing in Tidwell cures this deficiency. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element, and the Patent Office has not established *prima facie* obviousness.

Claim 8 was rejected under 35 U.S.C. § 103 as being unpatentable over Robinson in view of Rogers and Tidwell in view of Selker. Applicant respectfully traverses. The standard for obviousness is set forth above.

As explained above, Robinson combined with Rogers and Tidwell does not show the synchronized signal of dependent claim 8. Nothing in Selker cures this deficiency. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element, and the Patent Office has not established *prima facie* obviousness.

Claim 4 was rejected under 35 U.S.C. § 103 as being unpatentable over Robinson and Rogers in view of Danne '381. Applicant respectfully traverses. The standard for obviousness is set forth above.

As explained above, Robinson combined with Rogers does not show the synchronized signal of dependent claim 4. As explained in the previous response, Danne '381 does not cure this deficiency. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element, and the Patent Office has not established *prima facie* obviousness.

Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over Robinson and Rogers and Danne '381 in view of Ranalli et al. (hereinafter "Ranalli"). Applicant respectfully traverses. The standard for obviousness is set forth above.

As explained above, Robinson combined with Rogers and Danne '381 does not show the synchronized signal of dependent claim 5. Nothing in Ranalli cures this deficiency. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element, and the Patent Office has not established *prima facie* obviousness.

Claim 11 was rejected under 35 U.S.C. § 103 as being unpatentable over Robinson and Rogers in of Jones et al. Applicant respectfully traverses. The standard for obviousness is set forth above.

As explained above, Robinson combined with Rogers does not show the synchronized signal of dependent claim 11. Nothing in Jones et al. cures this deficiency. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element, and the Patent Office has not established *prima facie* obviousness.

Applicant requests reconsideration of the rejection in light of the amendments and remarks presented herein. The references of record do not teach or suggest the synchronized

signals, and the Patent Office has not established *prima facie* obviousness. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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